



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Engrossed Assembly Bill 600	Senate Amendments 1 and 2
<i>Memo published: January 29, 2004</i> <i>Contact: Robert J. Conlin, Senior Staff Attorney (266-2298)</i>	

Generally, Engrossed Assembly Bill 600 implements provisions of the federal Help America Vote Act of 2002 (HAVA).

Senate Amendment 1

Section 291 of HAVA directs the Secretary of the U.S. Department of Health and Human Services to pay to the “protection and advocacy” agency of each state certain moneys made available under HAVA. The purpose of these payments is to “ensure full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote, and accessing polling places.”

Currently, Wisconsin’s protection and advocacy agency is the Wisconsin Coalition for Advocacy, a private, nonprofit organization. The statutes authorize the agency to do a number of things relating to advocating for and protecting the rights of those with developmental disabilities or mental illness. Engrossed Assembly Bill 600 authorizes the protection and advocacy agency to engage in activities to ensure full participation in the electoral process for eligible electors with developmental disabilities, including registering to vote, voting, and obtaining access to polling places. Under the engrossed bill, such activities may not include encouraging or discouraging, or attempting to encourage or discourage, electors to vote for or against a particular candidate or slate of candidates or a particular question submitted to the electors at an election. In addition, the activities authorized by the engrossed bill may not be conducted during the 30-day period preceding any spring primary or election or the 60-day period preceding any other regular election. In addition, the engrossed bill directs the state Department of Health and Family Services to distribute federal funding made available under HAVA to the agency for these activities.

Senate Amendment 1 deletes all of the above-described provisions of the Engrossed Assembly Bill relating to the protection and advocacy agency described above.

Senate Amendment 2

To receive certain federal moneys under HAVA, the state must file with the federal government a plan for how the state intends to meet the various requirements of HAVA and how the state will go about distributing and monitoring the distribution of federal payments under HAVA for election administration.

Engrossed Assembly Bill 600 requires the State Elections Board, with the assistance of the Election Administration Council, to adopt and modify as necessary a state plan that meets the requirements of HAVA in order for the state to participate in federal financial assistance programs under HAVA. Under the engrossed bill, the board must adopt the plan and any modifications only after publishing a public notice or posting on the Internet a statement describing the proposed plan or modification and receiving public comment thereon.

Senate Amendment 2 requires, in addition, that the Elections Board also develop the plan with the approval of the Joint Committee on Finance. Senate Amendment 2 provides that after approval of the proposed plan or any modification of the plan by the Elections Board, the board must submit the proposed plan or modification to the Joint Committee on Finance for the approval of the committee. Senate Amendment 2 provides that the board may adopt the proposed plan or modification only if the committee approves the proposed plan or modification.

Legislative History

Senate Amendment 1 was introduced by the Senate Committee on Education, Ethics, and Elections on January 20, 2004, and was adopted by the Senate on a voice vote on January 28, 2004.

Senate Amendment 2 was offered by Senators Darling and Welch on January 28, 2004 and adopted by the Senate on a voice vote on the same date.

Engrossed Assembly Bill 600 was concurred in by the Senate, as amended, on a voice vote on January 28, 2004.

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